Nor does the Zehavi patent teach time switching transmission diversity as recited in Claim 1. Fig. 2 and the material cited in col. 6 of Zehavi in the Office Action appears to describe consecutive data frames k and k+1 from data source 12 being routed by switch 16 to respective base station modulators (BSM) 20a, 20b. By use of memory element 18, data frames k and k+1 are modulated simultaneously by the respective BSM 20a, 20b, summed in summer 36, and then transmitted by transmitter 38 and antenna 40. Thus, the switch 16 of Fig. 2 of Zehavi is used to route data from data source to different modulators 20a, 20b. The output of the modulators are not switched between transmitters, but are instead summed and sent to one transmitter 38.

Therefore, the cited material of Zehavi also provides no teaching for "time switching transmission controller ... for mutually exclusively switching ... between the plurality of transmitters in non-overlapping time intervals, thereby providing transmission time diversity", as recited in Claim 1.

A claim may be found to be obvious if it is shown that all of the recitations of a claim are taught in the prior art. In addition, where the elements of a claim are found in different sources of prior art, it must be shown that something in the art would suggest the advantage to be derived from combining their teachings.

Without conceding that such a combination is proper, it is respectfully submitted that the combination of Smith and Zehavi fails to teach all of the recitations of independent Claim 1. In particular, they fail to teach or suggest (at least) the Claim 1 recitations of a "time switching transmission controller ... for mutually exclusively switching ... between the plurality of transmitters in non-overlapping time intervals, thereby providing transmission time diversity", as recited in Claim 1. Thus, Smith and Zehavi fails to render independent Claim 1 unpatentable under 35 U.S.C. 103(a). Reconsideration and allowance of independent Claim 1 is thus respectfully requested.

Independent Claims 5 and 13 include analogous recitations to that discussed above for independent Claim 1 and may be distinguished from the combination of Smith and Zehavi for at least analogous reasons. Reconsideration and allowance of independent Claims 5 and 13 is also respectfully requested. Without conceding the patentability per se of dependent Claims 2, 6 and 14, they are also patentable at least for the same reasons as independent claims from which they depend. Accordingly, reconsideration and

allowance of Claims 1, 2, 5, 6, 13 and 14 is respectfully requested.

Claims 9, 11 and 17 were rejected in paragraph 5 of the Office Action under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,175,587 to Madhow et al. in view of U.S. Patent No. 5,233,626 to Ames and further in view of Smith. The Examiner maintains that Ames and/or Smith teaches the Claim 9 recitation of "a reception controller for selecting the estimated phase and time values according to the switching cycle and pattern of a TSTD...signal from a base station".

An important aspect of independent Claim 9 is that a single traffic channel receiver can receive the TSTD signal from the two antenna of the base station and demodulate the signal. This reception of the TSTD signal is enabled by the reception controller selecting the estimated phase and time values, from those received via a pilot channel signal, using the switching cycle and pattern of a TSTD signal. The single traffic channel receiver then uses the estimated time value to detect the channel signal and the estimated phase value to demodulate the signal.

The cited material of Ames in the Office Action (col. 6, lines 12-15) appears to relate to a controller estimating a delay between an ith spread-spectrum (SS) code copy and the maximum delayed code copy. Thus, the estimated delay cited from Ames appears to relate to equalizing the delay time of repeated signals. This has no relation to "a reception controller for selecting the estimated phase and time values according to the switching cycle and pattern of a TSTD...signal from a base station", as recited in Claim 9.

As previously noted above, the cited material of Smith in the Office Action (col. 7, lines 31-41) appears to relate to the controller 32 controlling RF switch 24 such that transmission carriers are selected according to a selected frequency hopping scheme. As with Ames, it likewise has nothing to do with the selection of estimated phase and time values (as received via the pilot signal) according to the switching cycle and pattern of a TSTD signal, as recited in Claim 9.

Thus, without conceding that such a combination is proper, it is respectfully submitted that the combination of Madhow, Ames and Smith fails to teach all of the recitations of independent Claim 9. In particular, they fail to teach or suggest (at least) the Claim 1 recitations of "a reception controller for selecting the estimated phase and time values according to the switching cycle and pattern of a TSTD...signal from a base

station", as recited in Claim 9. Thus, Madhow, Ames and Smith fails to render independent Claim 9 unpatentable under 35 U.S.C. 103(a). Reconsideration and allowance of independent Claim 9 is thus respectfully requested.

Independent Claims 11 and 17 include analogous recitations to that discussed above for independent Claim 9 and may be distinguished from the combination of Madhow, Ames and Smith for at least analogous reasons. Reconsideration and allowance of independent Claims 11 and 17 is also respectfully requested.

Dependent Claims 10, 12 and 18 were rejected in paragraph 6 of the Office Action under 35 U.S.C. 103(a) based on Madhow, Ames, Smith and Zehavi. Without conceding the patentability per se of dependent Claims 10, 12 and 18, they are also believed to be patentable at least for the same reasons as independent claims from which they depend. Accordingly, reconsideration and allowance of Claims 10, 12 and 18 is respectfully requested.

Newly added Claims 19-26 have analogous recitations to those found in Claims 1-4, but independent Claims 19 and 23 omit recitations directed at the spreader for spreading a transmit signal. Claims 19, 20, 23 and 24 may be distinguished from the art cited in the Office Action in at least analogous manner as Claim 1. Claims 21 and 25 are analogous to Claim 3 and Claims 22 and 26 are analogous to Claim 4, which both include allowable subject matter. Thus, it is respectfully submitted that new Claims 19-26 are allowable and allowance is respectfully requested.

As noted, the acknowledgment given in the Office Action that Claims 3, 4, 7, 8, 15 and 16 include allowable subject matter is gratefully accepted. However, in view of the foregoing amendments and remarks, it is respectfully submitted that all of the pending claims in this application, namely Claims 1-26, are in condition for allowance. Such early and favorable action is earnestly solicited. Should the Examiner feel that a telephone conference or personal interview with Applicants' attorney may facilitate resolution of any remaining matters, the Examiner is invited to contact the undersigned at the number indicated below.

Respectfully submitted,

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